IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO: 22406 of 2004

Between:

Addanki Shanmukhachari, S/o. Veeraiah, Sarpanch, Palair Grama panchayat, Palair, Khammam District.

..... PETITIONER

AND

1. Govt of A.P., rep. by its Principal Secretary, Panchayat Raj &

R.D. Department Secretarit, Hyd.

2. The District Collector, Khammam District, Khammam.
3. The District Panchayat Officer, Khammam District, Khammam.
4. B.Anjaiah, S/o. Pedasanjeevaiah, 40 yrs, Upa Sarpanch, Gram

Panchayat Paleru of Khammam District.
5. Smt. B. Lakshmi W/o. Lalu, 30 yrs, Gram Panchayat Paleru of

Khammam District.
6. Smt. G. Mangamma W/o. Venkulu, 32 yrs, Gram Panchayat

Paleru of Khammam District.
7. Smt. T. Karuna W/o. Narasaiah, 33 yrs, Gram Panchayat Paleru

of Khammam District.
8. Smt. T. Yellamanchamma W/o. Pentaiah, 35 yrs, Gram

Panchayat Paleru of Khammam District.
9. Smt. Subadra W/o. Koriveeraiah, 34 yrs, Gram Panchayat

Paleru of Khammam District.

(Respondents 4to9 impleaded as per court order dt. 2-2-2005 in WPMP 168 of 2005)

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction and more particularly one in the nature of writ of Mandamus declaring the impugned order in G.O.Rt.No.1822 PR & RD (Pts. II) dt.26.11.2004 as illegal, arbitrary, without jurisdiction, uncalled for, null and void; and consequently direct the respondents to continue the petitioner as Sarpanch of Palair Gram Panchayat, palair, Khammam District, in the interests of Justice.

Counsel for the Petitioner: MR.J.SIDDAIAH

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & Rural Dev.

Counsel for the Respondent Nos. 4 to 9: Mr. Kowturu Vinay Kumar

The Court made the following:

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ORAL ORDER:

On the ground petitioner committed several irregularities including misappropriation of funds belonging to the Gram Panchayat, he was kept under suspension by the District Collector by the proceedings in R.C.No.p6/130/2004 dated 18.10.2004, basing on the enquiry report of the Divisional Panchayat Officer, Khammam, in R.C.No.A1/66/2004 dated 30.06.2004 after following the procedure prescribed. Aggrieved thereby petitioner filed an appeal before the Government of Andhra Pradesh, which was dismissed on 26.11.2004 in G.O.Rt.No.1822. Hence,

this writ petition.

2. Since the petitioner is said to have committed several irregularities including misappropriation of funds belonging to the Panchayat, the action of the District Collector i.e. 1st respondent in keeping the petitioner under suspension, basing on the report of the Divisional Panchayat Officer, Khammam, following the procedure prescribed in the Panchayat Raj Act, cannot be said to be arbitrary or illegal and needs no interference by this Court.

3. Hence, the writ petition is dismissed. No costs.

(C.Y.Somayajulu, J.)

Date: 03.02.2005

Cvrk

To

1. The Principal Secretary, Panchayat Raj & R.D. Department, Secretariat, Govt. of A.P., Hyderabad.

2. The District Collector, Khammam District, Khammam.

3. The District Panchayat Officer, Khammam District, Khammam.

4. 2 CCs to the Govt. Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (OUT)

5. 2 CD copies.